The Chicago Tribune.

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WASHINGTON.

A Substitute for the National Education Bill to be Offered To-Day.

Favorable Correspondence with the Treasury Department Regarding the New Loan.

No Tidings of the Steamship Tennessee.

Special Dispatch to The Chicago Tribune.

THE EDUCATION BILL.

WASHINGTON, Feb. 12.—It being, in the general circumstances, very doubtful whether the House would come to a vote on Hoar's Education bill, or whether, if it does, the bill will pass in its present shape, several members not supporting wholly the measure of the bill which commits, in certain contingencies, the suspension of what are properly questions of the National Government, a substitute has been adopted with the view of accomplishing the same purpose as the bill by other means, although Mr. Garfield intends to act the part to-morrow, insists a suspension of the rules. That proposition will direct the Committee of Education to make inquiry and report to Congress next winter. I. What sum of money, in land or money, has, or otherwise, the National Government has given to each State for educational purposes. 2. What States, having by constitutional provision established a system of free schools, but undersexist this outer expenditure of money, and what amount of money is annually wasted thereby. 3. What States, having by constitutional provision established a system of free schools, have failed to establish such schools. 4. What States, having by constitutional provision established a system of free schools, have failed to establish such schools. 5. What States, having by constitutional provision established a system of free schools, have failed to establish such schools. 6. What States, having by constitutional provision established a system of free schools, have failed to establish such schools. 7. What States, having by constitutional provision established a system of free schools, have failed to establish such schools. 8. What States, having by constitutional provision established a system of free schools, have failed to establish such schools. 9. 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FOREIGN.

Proclamation of the Emperor Napoleon to the French Electors.

The French Constituent Assembly to be Composed Largely of Conservatives.

Decrees of the Bordeaux Delegation Annulled by the Paris Government.

FRANCE.

PROCLAMATION OF NAPOLEON III.

LONDON, Feb. 12.—The following is a translation of the proclamation addressed by the Emperor Napoleon to the electors of France:

"FRENCHMEN:—Betrayed by fortune, I have kept, since my captivity, profound silence, which in misfortune is a duty imposed upon all. Now that I am free, and that my enemies, after having overwhelmed me with calumnies, close every mouth capable of contesting their assertions, I feel it my duty to address a few words to you. I was unwilling to return to France while the war lasted, lest my presence should be used as a pretext for accusing me of all the disasters which have fallen upon the country. I was unwilling to return while the Government of the National Defense, which I had not created, and which I had not even known, was struggling against the invasion. I was unwilling to return while the Constituent Assembly, which I had not convoked, was deliberating on the fate of the country. I am now free, and I hasten to claim my rights and perform my duties. I do not come to create embarrassments for the Government of the National Defense, which has rendered great services to the country, but which, having been improvised in the midst of a formidable crisis, could not have the regular and normal character of a government which has had time to consolidate itself. I do not come to throw myself into the midst of the Constituent Assembly, which, although elected under the influence of fear, has rendered great services to the country by concluding peace, and which will render still greater services by voting the laws necessary to the reorganization of France. I do not come to claim power, which I have not sought, and which I have not desired. I have been the victim of too many calumnies to be ambitious. I have been too much tossed about by the waves of the ocean and of the revolution to wish to be the sport of the tempest. I have been too much accustomed to the sight of the dead to wish to be the cause of the death of any one

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MONDAY, FEBRUARY 13, 1871.

A STRANGE PROCEEDING.

The Secretary of State has recently communicated to the Senate various papers in relation to the acquisition of San Domingo, which embrace the disclosures of some very remarkable proceedings. In January, 1870, Mr. E. D. Bassett, United States Minister to Hayti, addressed a note to that government, informing it that certain negotiations were pending "between the United States and President Baez, of the Dominican Republic," and warning the Haytien Government that the United States would "look with decided disfavor" upon any interference by Hayti in the war then going on in San Domingo, between Cabral and Baez. He states that he makes this communication by the direction of the Government of the United States.

A few days later Mr. Bassett addressed a circular letter to "the commander of any United States man-of-war or naval Samana," informing him of what he had done, and setting forth his reasons for suspecting that the Haytien Government was secretly doing what it had been warned not to do, and that it was thus inciting the growing support to Cabral. The letter closes by saying, "Meanwhile, it will be gratifying to me and to all Americans here, if you can call, even if but for a day or two, in this harbor."

Following this instruction, Rear Admiral Poor, of the North Atlantic Fleet, entered the harbor of Port-au-Prince with the flagship Severn, accompanied by the monitor Dictator, and on the 10th of February, 1870, without any circumlocution, addressed the President of Hayti in the following menace:

"The undersigned avails himself of the arrival at this port of the Severn, flagship of the United States naval force in these waters, to call the attention of your Excellency to the following statement of the views and intentions of the United States Government, as announced to the Government and people of the United States and to the world, with all proper emphasis, by the President in his annual message to Congress, December 5, 1870, viz: 'The United States will not look with indifference on the future of the Dominican or any other power with the intention of overthrowing the independence or seizing, therefore, by various means or pretexts, the territory of a neighboring people who are making, or have made, a successful struggle for self-government, will be unwilling to see the transfer to any European power.' The undersigned, in the name of the United States, and with proper authority for the same, will protect the integrity of the Dominican territory."

(Signed) "Rear-Admiral, &c.

We doubt whether there is on record a more unjustifiable interposition of force in the affairs of a people struggling to attain an independent government, in its relations with other powers, than this, and Admiral Poor's letter ought to be made public, that the civilized world may pronounce rightful judgment of an unqualified reprobation. The fact that Hayti is a weak power, and unable, as against the United States, to assert its natural rights, and resist insults and bullying, makes the case only the more unjust, unjustifiable. The fact that Hayti is the only responsible government of colored men on this hemisphere, if not in the world, makes the act peculiarly unbecoming to us, who have recently enfranchised the colored men in the United States, and taken them into partnership in the business of self-government.

Had not Hayti as much right to interpose in favor of Cabral, for the purpose of the consolidation of the two adjoining republics, as the United States to support Baez? Suppose England should notify the United States that she was negotiating with some other power for the purchase of some state, colony, and that, pending these negotiations, any interference by the United States, directly or indirectly, for or against the free action of the people of those islands, would be considered as an act of hostility to Great Britain, and would be met by force. Suppose this notice was served by a naval commander from the deck of his flagship in New York Harbor? Would the United States put up with such insolence? Suppose Hayti has a proper sense of war against San Domingo, what right have the United States to notify her that she will not permit it? Yet this is what we are negotiating with Baez! The whole proceeding has the appearance, not merely of a contemptuous disregard of the rights of other people, but ignorance of the commonest principles of international law.

BANKS, BUTLER, AND PORTER.

That was a very significantly happy thought which prompted Mr. Banks to enliven his speech in the House, on Friday, by the sensational statement that the Tennessee had, in all probability, gone to the bottom of the sea loaded with all on board, and that the terrible sacrifice of three hundred lives had been made because there was such a tyranny prevailing in the Navy Department that, though many naval officers knew the Tennessee was unseaworthy, and none of them dared hint the facts to anybody, for fear of losing his commission! It was not a happy thought, first because the innuendo was without foundation, and because Mr. Banks' position as Chairman of the House Foreign Committee should entitle his utterances, concerning the San Domingo Commission, to be regarded as especially authoritative; and because such charges as Mr. Banks made in that speech should never be made, except with great care and definiteness, and in connection with a bona fide impeachment of the officials blamed.

If Mr. Banks has evidence to grant or withhold from Admiral Porter, he ought, as an old member and former Speaker of the House, and as Chairman of a very important committee, to have been content with calling the Admiral of the Navy a Judas Iscariot, denouncing as "infamous" the neglect of the Navy Department, and "false as hell" the charges which that department had sustained against Mr. Banks' client, Hanscom. But Mr. Banks was not content with such generalities as these, and must needs point his moral and adorn his tale by implying that the wreck of the vessel on which the San Domingo Commission had sailed had gone to the bottom of the sea, thus adding to the horror of the sad and already taken too great a hold upon the public feeling.

But, in respect to the peculiar quality of debate by which we have advertised, Mr. Banks must yield the palm to his fellow-member from the same heated centre of chicanery and civilization, who proudly followed him on the same question. We allude to Mr. Butler. Despite two brilliant military geniuses had apparently parcelled it between them the work of demolishing Admiral Porter, Butler's figures of rhetoric were even more indecent than those of Banks. Porter "described his raft a few weeks ago, and would stay demolished if Banks and Butler would let him alone; but they have so overdone their job that he has become respectable by contrast with them. Mr. Banks' special object appears to have been to force through an act of Congress overriding the action of the Navy Department concerning his client, Hanscom, of ship-builder; and Butler was, of course, called to feed a client grudge which he bears toward Porter. The merits of the matter may have been one way or the other. The House decided in favor of Hanscom, and the only consequence that is now expected thereto by the billmongers of Banks and Butler.

The rival Republican Committees of New York have made another attempt to settle their long-standing feud, but it has failed without success. The State Committee, in accordance with a resolution passed in December, met at the Fifth Avenue Hotel on Thursday last, to hear a report from a sub-committee of seven, appointed at a conciliation between the two factions, and a reorganization of the party in that city. The meeting was held with closed doors, the public and the reporters excluded, but it is known, at least, that only this one question was considered, that the report of the sub-committee was not received, and that the meeting adjourned to meet again four weeks hence.

It is said that the sub-committee suggested the appointment of a new committee for the city, to be made up from members of both factions, the result of which would be a reorganization of the party. But this, it is evident, does not suit either side; and it does not suit, because it does not leave the power in the hands of either. Both, of course, claim to be the true representatives of the Republican party. One, the Orton faction, declares that the other is in league with Tammany; and the other, the Grievey faction, retorts with—"You're another." It is an old quarrel of no particular interest to anybody, except the parties engaged, and, as a whole, is disreputable to both and disgraceful to politics, and, to an outside observer, has been much the aspect of the fight between the bird and the fox in the man's wife; it doesn't much matter which whips.

THE ELECTIONS IN FRANCE.

It seems fairly likely from latest accounts, that the Count de Paris may yet obtain an opportunity to take his place on the throne which his grandfather, Louis Philippe, vacated for him in 1848, but which Napoleon and the revolution so ready prevented his occupying. It is conceded that the Conservatives and Liberal Union party have gained a majority in the Constituent Assembly in the present popular vote, and the opinion at Versailles, where they have just now, good opportunities for observing, seems to be that the choice of the Assembly will, in casting about for a ruler—President or King—choose the Count de Paris as the fittest representative of the Orleans family. This selection will probably be submitted to the people, with the republic as an alternative; but such are the influences at any United States man-of-war or naval Samana," informing him of what he had done, and setting forth his reasons for suspecting that the Haytien Government was secretly doing what it had been warned not to do, and that it was thus inciting the growing support to Cabral. The letter closes by saying, "Meanwhile, it will be gratifying to me and to all Americans here, if you can call, even if but for a day or two, in this harbor."

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VANDERBILT.

Despatches from New York declare the rumors that Vanderbilt had hanged himself, on account of remorse for his direct responsibility for the New Hamburg slaughter, "ridiculous." No doubt of it. He is among the richest men in the United States, and his riches have not been gained from the rain of other people; he has exercised more power over a larger number of people, for nearly half a century, than any other man in this country, and has never been known to be beguiled by one human creature, except to heap up wealth for Cornelius Vanderbilt. We do not believe that Vanderbilt ever thought for a single moment, in his management of the Hudson River Road, whether human life was safe upon it or not, or ever cared whether it was or not, so he had, in that management, one more dollar than he possibly could spend himself and for the largest return; any reasonable precautions that he took to guard against danger were for the protection of his own property and not for the safety of passengers; and the horrible accident on which the light with which he has imbued his employes, when the ground at New Hamburg was strewn with his dying, agonized and dead victims, those employes trusted themselves, and with unconcealed delight, to the benefactor's attentions to the remains of the dead, but with mendings broken bridge! When a relief train was sent up to Poughkeepsie, it was not for surgeons but for carpenters; and when Vanderbilt arrived on the scene, his visit was not ready for an immediate departure for the relief of the bridge, the maimed and dying were compelled to wait six hours for the surgeons. We do not think that Vanderbilt was sorry for the bridge; a pang of regret unquestionably stole over him when he heard of the damage to locomotive and car; it is quite likely he made a rapid calculation of how great a saving it would have been had he had breakmen enough and guards enough to make proper signals to prevent such a loss of property; but of stricken fathers and mothers, of bereaved children, of the agony of sudden death by boiling oil, and liquid fire, and suffocation, and crushing of timbers, and the sudden plunge beneath the hoofs of his own steeds, Vanderbilt, we will be bound, never took a thought. And he never will be; he will die as a bridge-builder, or a brakeman, digress with danger signals and couplers, or a passenger, if he is persuaded that to do so will be a saving in the running expenses of the road, without jeopardy to property, and will never ask himself whether thereby the jeopardy to life is increased. If by the option which pursuits such power to remain in the hands of such men against which society must war, and until it does, and can find a remedy, it must look for periodical slaughter which may bring death and mourning at any moment into the household of any one of us.

THE WAREHOUSE DECISIONS.

We publish, this morning, the decision of the Supreme Court of this State in the case of Hempstead vs. the Chicago & Alton Railroad Company, and the same Court in the Illinois River Elevator, situated on West Water street, a short distance north of Madison street. In the Alton case, the railway company responded to Hempstead's bill of complaint with the allegation that their track terminates at the south line of Madison street, about five hundred feet distant from the elevator in question, and that they have no facilities with their cars on the track for the reshipment of wheat, except as they negotiate it from the Pittsburgh, Fort Wayne & Chicago Railway. To this answer the complainant demurred, i. e., set up the fact that the Supreme Court have decided that railroad companies are bound to receive freight from all connecting roads, and to forward it to its destination, and that the answer in question was therefore no answer to the charges of the bill. The Court sustained the demurrer, and ordered the case to be remanded to the court below for further action, in accordance with the opinion. We understand that the complainant is still at liberty to traverse the return of the railway company as regards the Galena Division, so as to show that the company does (which is not the fact) maintain facilities on the West Water street track, to deliver grain in bulk to other elevators.

The Open Polar Sea.

The latest result of the never-ending search for the "open Polar Sea," before return of the German expedition, originated by Dr. Augustus Petermann, of Gotha, will be added about two years ago. It consisted of the two ships Germania and Hansa, which set out with the intention of remaining together, and sailing toward the pole through Greenland and Spitzbergen. On July 30, 1869, they were separated. The Germania continued northward as far as Shannon Island, in latitude 79 deg. 31 min., where she was stopped by the ice and obliged to return and winter at Sabine Island. Here, on September 7, she was frozen in, and remained until June 19 following. She soon ceased to appear, but by this time the party had supplied themselves abundantly with venison and other food. Then, forming sledging parties, they started out overland and reached northward, and reached 77 deg. 1 min. Here they came upon a belt of ice, of indefinite breadth, which they found impassable. Here they found reindeer, musk-oxen, and other small game, which had, apparently, come down from some point still further north, where they found it milder in the winter than here. From some reason, not very apparent, they formed the opinion that the easiest coast of Greenland for retreat was the eastern, and that point toward the pole, and turned and ran westward, forming its north coast. Returning, they waited until July 31, 1870, to get the ice sufficiently free from ice to allow them to sail, when they immediately returned on the route of the previous year, worked their way to the northeast coast of Greenland, and were compelled to winter. By this time their boilers were useless, and she returned to Sabine Island, leaving on the vessels a fortunate voyage, &c., finding nothing and ordering no extraordinary sufferings. Meanwhile the Hansa, driven out first south, then northward, but at no time reached further north than Feidinhun Island in latitude 79 deg. 56 min., and longitude 8 deg. east. Here, on the 5th of September, she was frozen in, and gradually lifted up by the pressure fourteen feet above the surface of the water. Finally the ice broke, and with the ice, and so badly injured that when let down she sank. Her crew of fourteen men wintered on the ice—the whole party remaining together for over two hundred days, during which they suffered the most frightful privations and one of the party went mad. They started southward, and, on the 31st of August, by using up of the ice, succeeded in reaching the Moravian Mission of Frederickstadt, on the coast of Labrador, in 1869. From thence they were taken to Copenhagen by a Danish brig. In its primary object the expedition, of course, failed. It has developed the fact, however, that the ice-fields which cover the Polar Sea are not of the character which we have supposed, and that animal and vegetable life than it was supposed to be capable of supporting. Indeed, the Germans claim that the results of their observations and explorations will be of very trifling consequence.

The Northwest.

ILLINOIS.

Perry Crowly, a brakeman, died at East St. Louis, had, on Sunday night, of last week, twenty-three sheep killed by prairie wolves, not far distant from Cairo.

—Mrs. Easterling, of Prairie City, a few evenings since, followed her husband into a village store, armed with an axe. Finding him engaged with several others, playing cards, she smashed the table to pieces with the axe, scattering the cards and the astonished players, and carried off her husband.

—Jim Kankakee Gazette says: "Mrs. —— died very suddenly, Friday, January 27, and her funeral, at which her sister, Mrs. ——, preached, took place on Sunday, at the Bridge following from the Methodist Church. Friday, February 3, just one week after the burial of her sister, Mrs. Hickox left for her home, having been suddenly attacked with sickness the morning of her departure. She died on Saturday morning, the 4th, of the same disease with which her sister had been carried to the grave a week preceding."

—Mrs. Gertrude Stillman, colored, died at Clinton on the day of the recent cyclone. She was born a slave, in North Carolina, lived in Mississippi thirty-seven years, was a professing Christian, and was buried in Sabbath-day garb. She was a brakeman, owned a farm of 160 acres, and left a comfortable estate. The Clinton Journal says a drug firm in that city has a most remarkable order for fifty pounds of Indian war paint for Spotted Tail's camp. This is considered equivalent to a declaration of war between the Indians and whites, and that, if so, they immediately returned on the route of the previous year, worked their way to the northeast coast of Greenland, and were compelled to winter. By this time their boilers were useless, and she returned to Sabine Island, leaving on the vessels a fortunate voyage, &c., finding nothing and ordering no extraordinary sufferings. Meanwhile the Hansa, driven out first south, then northward, but at no time reached further north than Feidinhun Island in latitude 79 deg. 56 min., and longitude 8 deg. east. Here, on the 5th of September, she was frozen in, and gradually lifted up by the pressure fourteen feet above the surface of the water. Finally the ice broke, and with the ice, and so badly injured that when let down she sank. Her crew of fourteen men wintered on the ice—the whole party remaining together for over two hundred days, during which they suffered the most frightful privations and one of the party went mad. They started southward, and, on the 31st of August, by using up of the ice, succeeded in reaching the Moravian Mission of Frederickstadt, on the coast of Labrador, in 1869. From thence they were taken to Copenhagen by a Danish brig. In its primary object the expedition, of course, failed. It has developed the fact, however, that the ice-fields which cover the Polar Sea are not of the character which we have supposed, and that animal and vegetable life than it was supposed to be capable of supporting. Indeed, the Germans claim that the results of their observations and explorations will be of very trifling consequence.

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WASHINGTON.

Special Despatch to The Chicago Tribune.
THE GERMAN AND HUNGARIAN MISSIONS.

WASHINGTON, Feb. 12.—The Foreign Affairs Committees of both houses were in session to-day, and it was understood that the Austrian and German missions in Europe, and the Commissioner at 16 degrees below zero, he had a hole broken in the ice, and one of the men went baptized. The water had to be continually agitated to keep it from freezing, or that all must be immersed. The operation was over in less than four times they passed, &c.

THE TENNESSEE.

Description of the Ship and Her Fitments for the Icebound Trip.

Why She Should Not Be Abandoned.

Opinion of Her Builders and Others.

Special Despatch to The New York Tribune.

WASHINGTON, Feb. 12.

The wished rumors regarding the unseaworthiness of the Tennessee are most positively contradicted by the Navy Department. Commissioner Simpson, one of the most expert naval officers of the navy, who examined and reported on the vessel, authorizes the following statement:

That the Tennessee, formerly the Mississippi, is one of the most powerful vessels of her class in the navy. That she is comparatively new and in good condition. That she was built by the Confederates, and was built as a ram. That she was built with a view to speed, and came out handsomely with one-half more than her contract speed. That she has been thoroughly overhauled during the last year, and has been fitted out for the trip of a new deck, while her sailing power has been increased. That her boilers have been changed and better when she was built. That she has more than ever before. A glass of the weight of her sailing power. That she has been fitted out with the most approved and complete appliances for the trip. That she has provided with everything that will take her all over the globe. That she has been fitted out with everything that will take her all over the globe. That she has been fitted out with everything that will take her all over the globe. That she has been fitted out

NEW BOOKS.

MY STUDY WINDOWS. By James Russell Lowell, LL.M., Professor of Belles-Lettres in Harvard University, and author of "A Fable for Critics," "The Biglow Papers," etc. Chicago: Cobb Brothers. 1871.

It is always pleasant to welcome a new volume from Prof. Lowell, especially of his miscellaneous writings. No American writer so really approaches Leigh Hunt, in sprightliness of humor, delicacy of fancy, and elegance of scholarship. He never runs in stupid apperiain to the bookcase rather than to the window. With the exception of one essay, "My Garden Acquaintance," which is a loving tribute to the New England birds, every paper in the book is critical in character. Prof. Lowell's best is almost purely critical, although his sentiment is always genial and hearty, and his descriptions of nature very loving and graphic. He is most at home, however, in literary criticism, to which he brings a clear analytic disposition and the result of indefatigable leisure and reading. All through this pleasant volume the critical crops out. We need not allude to his essays on Carlyle, Montaigne and the French Moralists, Thoreau, Emerson, and Poe, delightful as they are, for these are good-sensibly critical, with its usual freshness and vigor. "On a Certain Condescension in Foreigners," "Library of Old Authors," and, in a certain extent, in "My Garden Acquaintance," which is based upon White's Natural History of Selborne, he cannot avoid the temptation of being critical. Accordingly, in "A Good Word for Winter," he introduces us to Thomson, Shenstone, Wordsworth, Heine, Chaucer, Pope, Shakespeare, Cowley, and Coleridge, and pleasantly follows each in their descriptions of winter. Prez in the "Certain Condescension in Foreigners," he remarks that Shakespeare has no hope to gossip about Holmes, Hawthorne, Mazzini Saud, D'Haussane, Leigh Hunt, and others, more and unknown. A brief but admirably clear and limpid style makes of these criticisms real literary gems. In fact, we are not sure that the general reader will not prefer them to his miscellaneous writing. They are not only strong and clear, but they are so closely furnished with illustrations, and so idiomatic in expression and nonelaborate in style, that the reading of the criticism becomes a pleasure, even if you have never read the criticised. Indeed, to finish before that the best preparation for reading Chaucer, Pope, or any of the poets mentioned would be to read Mr. Lowell's criticisms first. As an expert of American scholarship, Prof. Lowell has already commanded a wide and appreciative audience, although his writings, like those of Leigh Hunt, are of a character which will be more readily appreciated in this country than in England. Among his own country-men his literary reputation is secure, and every new volume which comes from his pen thereafter will receive a warm welcome from all thoughtful readers.

THE ORIGIN AND DEVELOPMENT OF RELIGIOUS BELIEF. By Alexander Bain, LL.D., author of "Mental Science," "Moral Science," "The Senses and the Intellect," etc. New York: D. Appleton & Co. Chicago: S. C. Griggs & Co. 1871. 2 vols.

"The Origin and Development of Religious Belief" is one of the most elaborate works of the day. It is divided into two parts, that is to say, the first part is devoted to tracing the origin of the multiform religions of modern and ancient times to their foundation in the human mind. The volume is devoted to Christianity, and has for its main topic the question whether we can attain to its fundamental doctrine in the facts of human nature. It is not in our province to follow the author in the processes of reasoning by which Mr. Gould arrives at an affirmative answer to the question with which he has set himself. The study properly belongs to the theologians who are interested with the historical facts of Christianity. It is enough for us to say that the author himself is apparently a rationalist of very broad views, considerably tinged with Roman Catholic mysticism, for which he seems to have a deep reverence. The following paragraph from his own preface quite accurately states the fundamental idea of his book, stating what, in his opinion, it is proper to follow out the details of the author's argument:

"Hinterto Christianity has leaned, or has been represented as leaning, on authority—on the assertion of an infallible word, or an infallible Church. The inadequacy of either support has been repeatedly demonstrated; and the time has now arrived, when, the faith of many has fallen with a shock, a religious system of any pretensions exhibits three phases. The first when mens appealed to first and then with a ready acceptance, the second when authority is set up in authoritative society, and the third when doubt and unbelief, on the one hand, and scepticism, on the other hand, are the result of infallible text. Then revolted against the Church, exposing the assertion of infallibility, and even against the text, and on what does dogma stand? To this question I have endeavored to give my opinion. Unless theology can be based on facts amenable to test or observation, it will be, not science, but, what is worse, it will be, not even new, but also, as I think, old, for it will be a return to the condition of the past."

THE CRYPTOGRAM. A Novel. By James De Mille, author of "A Dodge Club," "Cord and Creese," "The Lady of the Ice," "Helena," with illustrations. New York: Harper & Brothers. Chicago: S. C. Griggs & Co. 1871.

Professor James De Mille, who made his first appearance before the American reading public in "The Dodge Papers," published in *Harper's Monthly* three or four years ago, is rapidly rising into public notice as a novelist. He is a very prolific writer, and scarcely a month passes that does not bring a new work from his pen, either for juvenile or adult. That it is one of the most remarkable features of this work that, while he evinces a very fine and delicate clear and limpid style makes of these criticisms real literary gems. In fact, we are not sure that the general reader will not prefer them to his miscellaneous writing. They are not only strong and clear, but they are so closely furnished with illustrations, and so idiomatic in expression and nonelaborate in style, that the reading of the criticism becomes a pleasure, even if you have never read the criticised. Indeed, to finish before that the best preparation for reading Chaucer, Pope, or any of the poets mentioned would be to read Mr. Lowell's criticisms first. As an expert of American scholarship, Prof. Lowell has already commanded a wide and appreciative audience, although his writings, like those of Leigh Hunt, are of a character which will be more readily appreciated in this country than in England. Among his own country-men his literary reputation is secure, and every new volume which comes from his pen thereafter will receive a warm welcome from all thoughtful readers.

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Professor James.

THE LAW COURTS,

The Elevator Cases in the Supreme Court.

Rights and Duties of Railway Companies as Common Carriers.

Judge Drummond on the Rights of Commission Men.

A Disagreement Between Two ex-Naval Surgeons.

Supreme Court of Illinois.

DECISIONS IN ELEVATOR CASES.

Opinion filed February 8th, 1871.

The People ex rel. Reuben Hemmstead et. al. vs. the Chicago & Alton Railroad Company. Petition for mandamus.

Opinion by *Breese, Justice.*

This was an application for a peremptory mandamus, on the relation of Hemmstead and others, against the Chicago & Alton Railroad Company. In the petition of relators it was prayed that a writ of mandamus issue, directed to this company, commanding it, its agents, officers and employés, to receive grain from whom it might be delivered to it at any of the receiving houses of the line of its railroad, subject to the charges of relators, and known as the Illinois River Receiving Houses, in the city of Chicago, upon payment of the usual and customary charges, without unreasonable delay therefor, and to deliver all such grain at that elevator in the centre of business, and without unnecessary delay, and also commanding the agents, officers, and employés of the company to receive and receipt for grain from certain car loads of corn from Cobb to Chicago, and to deliver the same at the elevator of relator when they tender the service.

It is not denied that reasons were and could be shown as cause for return to the writ, to which the relators have demurred, and the question arises upon our construction of the statute in relation to the power of authority upon respondents to compel the receiving, weighing, and delivering of grain at the elevators of relators.

The ground of the decision in Vincennity case was, that the track under the circumstances of that case, was not a public highway, and that the railroad company, and not the city, were, therefore, bound to deliver the cars to the owner. It is held by the warehouse several times upon it, that the railroad company was not bound to receive and transport grain ordinarily transported in bulk in box cars, and not in cars fitted up with the necessary machinery and conveniences for the purpose of unloading it by the process of shoveling, but that the railroad company was bound to receive and transport grain in bulk, and have granted consignees of such grain the right to require, by a car count that the grain should be delivered to them in cars which could be unloaded by the process of shoveling. This decision is not in conflict with the decision in the Vincennity case, but is in accordance with it. The reason in this case shows, and the fact is admitted, that the grain in question was in bulk, and could not be unloaded by the process of shoveling. The decision in the Vincennity case, therefore, has no application to the case at bar.

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The counsel for the railroad company argue that the decision in the Vincennity case is not in accordance with the decision in the case of Munn et al. vs. The People, 69 Ill. 80, and that the latter case is overruled by the former. We do not so understand the decision in the Vincennity case. The question in the case of Munn et al. vs. The People, was, whether the statute of this State, regulating the charges of warehousemen, was constitutional, and the decision was that it was. The question in the Vincennity case was, whether the railroad company was bound to receive and transport grain in bulk in box cars, and the decision was that it was not; but the question remains, whether the railroad company is bound to receive and transport grain in bulk in cars fitted up with the necessary machinery and conveniences for the purpose of unloading it by the process of shoveling, and we have never understood or pretended a decision to that effect. We have never understood or pretended a decision to that effect. We have never understood or pretended a decision to that effect. We have never understood or pretended a decision to that effect.

We know of no power which can compel railroad companies to build warehouses, or to own or use them. Within these limits, this court can exercise supervisory control over the charges of warehousemen. In answer to the argument of counsel for the relators, that the decision of the Supreme Court of the United States in Munn et al. vs. The People, 69 Ill. 80, and that the latter case is overruled by the former. We do not so understand the decision in the Vincennity case. The question in the case of Munn et al. vs. The People, was, whether the statute of this State, regulating the charges of warehousemen, was constitutional, and the decision was that it was. The question in the Vincennity case was, whether the railroad company was bound to receive and transport grain in bulk in box cars, and the decision was that it was not; but the question remains, whether the railroad company is bound to receive and transport grain in bulk in cars fitted up with the necessary machinery and conveniences for the purpose of unloading it by the process of shoveling, and we